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EXAMINER	
CASANOVA, JORGE A	

ART UNIT	PAPER NUMBER
2169	

MAIL DATE	DELIVERY MODE
12/08/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/743,324	APPS ET AL.	
	Examiner	Art Unit	
	JORGE A. CASANOVA	2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 October 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *17-23,25-28,30-34 and 36-48* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *17-23,25-28,30-34 and 36-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 May 2004 and 28 June 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. In response to the August 19th, 2008 Office action, claims [17-23, 25-28, 30-34 and 36-48] are currently pending and stand rejected.

2. The Applicant has appropriately corrected the Specification, rendering the objection to the Specification, made in the August 19th, 2008 Office action, moot.

3. Claims [17-23, 25-28, 30-34 and 36-48] are presented for examination.

4. This Office action is **Final.**

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims [17-23, 25-28, 30-34, 36, 37 and 39-48] are rejected under 35 U.S.C. 102(e) as being anticipated by Bowman-Amuah (US 6,529,909 B1) hereinafter "Bowman-Amuah".

7. With respect to claim 17, the Bowman-Amuah reference discloses a data mining system for delivering presentations associated with data mining models [see col. 2, lines 20-22, regarding a system, method and article of manufacture are provided for

translating an object attribute to and from a database value], said data mining system comprising:

a repository to store said data mining models, customer attributes, and presentation definitions [see Fig. 11; in the broad reasonable interpretation, the Examiner interprets said information system to include but not limited to said data mining models, customer attributes and presentation definitions, etc...];

means to edit said data mining models, said presentation definitions, and said customer attributes [see col. 28, lines 34-37, regarding it is imperative that companies in the current market place be able to quickly modify their business processes in order to address changes in the industry];

means to generate a presentation to deliver to a customer system [see Fig. 29, regarding initiating a report request from a client and distributing it among printer, screen and archive];

wherein said means to generate includes an analytic decision engine system including model presentation services and scoring services modules [see Fig. 95; in the broad reasonable interpretation, the Examiner interprets the process as said analytic decision engine]; and,

means to receive inputs from said customer system and to deliver said presentation to said customer system [see Fig. 95, described *Supra*; in the broad reasonable interpretation, the Examiner interprets a client as requesting a said presentation, wherein the server prepares and transmit the presentation to the client];

wherein said inputs include a customer identification [see Fig. 120, regarding a client finds and instantiates a Customer Object from a customer component] and a presentation definition identification [see Fig. 123, regarding forwarding another portion of the requests to the server for further handling purposes; in the broad reasonable interpretation, the Examiner interprets the above as said presentation definition identification so that the system is enabled to effect changes in the presentation interface (12310)];

wherein said means to generate selects a presentation definition using said presentation definition identification [see col. 249, lines 29-35, regarding often these user interfaces will be changed over time to fit user's changing needs; While the tasks completed by the user may not change, the interface to complete those tasks will need to. Windows users will want to move to the Web; Web users will want to move to handheld devices; the presentation code should be able to be changed without causing a rewrite of the business logic on the client; in the broad reasonable interpretation, the Examiner interprets the above as selecting said presentation definition when the user switches platforms] and selects a customer attribute using said customer identification [see Fig. 120, described *Supra*];

wherein said presentation definition includes a reference to a data mining model and one or more rules [see Fig. 11, described *Supra*; also, see Fig. 125 and col. 249, lines 55-58, regarding while any user interface maintains a reference to the Activity 12500 it provides an interface 12502 for, the Activity is unaware of what (if any) interfaces exist on it; in the broad reasonable interpretation, the Examiner interprets the

reference to the Activity as said data mining model; also, see col. 250, lines 4-5, regarding each interface can decide how to handle the event; in the broad reasonable interpretation, the Examiner interprets that how the event is handles is based on one or more said rules]; and,

wherein said means to generate applies said data mining model and said one or more rules to said customer attribute to produce an outcome for display in said presentation according to a format included in said presentation definition [see Fig. 123, regarding forwarding another portion of the requests to the server for further handling purposes; in the broad reasonable interpretation, the Examiner further interprets the above as applying said data mining models and one or more rules so that the system is enabled to effect changes in the presentation interface (12310)].

8. With respect to claims [18-23, 25-28, 30-34 and 36], the limitations have been shown in the discussion of claim 17, as referenced above. Furthermore, the Examiner maintains that the features are inherent to the system of Bowman-Amuah.

9. With respect to claims [37 and 39-48], they are rejected on grounds corresponding to above rejected claims [17-23, 25-28, 30-34 and 36], because claims [37 and 39-48] are substantially equivalent to claims [17-23, 25-28, 30-34 and 36]. Furthermore, the Examiner maintains that the features are inherent to the system of Bowman-Amuah.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claim [38] is rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah in view of Thearling (US 6,240,411 B1, cited in the 892 dated April 19th, 2007) hereinafter "Thearling".

12. With respect to claim 38, the Bowman-Amuah reference discloses the method of claim 37, as referenced above. Bowman-Amuah is silent of the data mining models are one or more of a logistic regression, a decision tree, a neural network, a Bayesian network, a linear regression, a cluster model, a K-Means cluster model, an expectation maximizing cluster model, and an association rule. However, at the time the invention was made the data mining models being one or more of a logistic regression, a decision tree, a neural network, a Bayesian network, a linear regression, a cluster model, a K-Means cluster model, an expectation maximizing cluster model, and an association rule was a known technique as evidenced by Thearling [see col. 8, lines 19-23, regarding a program which permits development of models for scoring a database based on a variety of paradigms, such as a neural-network paradigm, a statistical paradigm, or decision tree]. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to use that known technique to yield predictable results, since the use of a known

technique provides the rationale to arrive at a conclusion of obviousness. See *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385 (U.S. 2007).

Response to Arguments: 35 USC § 112

13. Applicant's arguments, see page 9, filed October 30th, 2008, with respect to claims [17, 19, 22, 23 and 30] have been fully considered and are persuasive. The *35 USC § 112 Rejection* of the claims has been withdrawn.

Response to Arguments: 35 USC § 102

14. Applicant's arguments filed October 30th, 2008 have been fully considered but they are not persuasive.

In regards to the Applicant's arguments, see pages 9-23, the Examiner points out that during patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." >The Federal Circuit's en banc decision in *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005) expressly recognized that the USPTO employs the "broadest reasonable interpretation" standard:

The Patent and Trademark Office ("PTO") determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction "in light of the specification as it would be interpreted by one of ordinary skill in the art." *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359,1364[, 70 USPQ2d 1827] (Fed. Cir. 2004). See MPEP § 2111.

With the above in mind, the Examiner has respectfully and fully considered the Applicant's arguments; however, after further consideration and taking the broad reasonable interpretation, the Examiner maintains that Bowman-Amuah anticipates the claim limitations.

Conclusions/Points of Contacts

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JORGE A. CASANOVA whose telephone number is (571) 270-3563. The examiner can normally be reached on Mon. - Fri., 7:15 a.m. - 5:45 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James K. Trujillo can be reached on (571) 272-3677. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JORGE A. CASANOVA/
Examiner, Art Unit 2169
12/02/2008

/James Trujillo/
Supervisory Patent Examiner, Art Unit 2169